S.B. CIVIL WRIT PETITION NO. 4409/2006.

RAMESH CHANDRA AJMERA
VS.
MAC LABORATORIES LTD. AND ANOTHER

DATE OF ORDER : 29.08.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Tribhuvan Gupta for the petitioner.

By this petition for writ, a challenge is given by the petitioner to the order dated 08.01.2004 passed by Permanent Lok Adalat, Udaipur returning application preferred by the petitioner under Chapter VI A of the Legal Services Authorities Act, 1987 on the count that an application under Section 22C of the Act of 1987 could be entertained only if all parties to the dispute are interested in getting the dispute settled by Permanent Lok Adalat but in the matter in hand opposite party did not choose to appear before the Court despite service.

The contention of counsel for the petitioner, while assailing validity of the order aforesaid, is that the Permanent Lok Adalat treated the application preferred under Section 22C of the Act of 1987 as an application preferred under Section 20 of the Act and, thus, without examining effect of the provisions of sub-section (2) of Section 22C of the Act decided the matter. According to learned counsel the petitioner shall be remedyless if the order impugned is allowed to sustain.

Sub-section (2) of Section 22C of the Act provides that after an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute. From order impugned, it is apparent that the court has not examined effect of the provisions of sub-section (2) of Section 22C of the Act of 1987 while returning record of an application preferred as per the provisions of sub-section (1) of Section 22C of the Act of 1987.

The petition for writ, therefore, is disposed of by quashing the order impugned dated 08.01.2004 passed by Permanent Lok Adalat, Udaipur and the matter is remanded to Permanent Lok Adalat to decide the same afresh by examining that if any party to dispute do not come forward for settlement at pre-litigation stage, then too whether the applicant shall be restrained from invoking jurisdiction of any court in the same dispute in view of the provisions of sub-section (2) of Section 22C of the Act of 1987.

No order to cost.

(GOVIND MATHUR)J.

Anil/